

Public Art and Cultural Commission

November 20, 2014

Members Present:

Jaan Ferree	Victor Palomino	Sharon Trammel
Jay Fields	Gwynne Rukenbrod	Jenn Bowen
Constance Richards	Robert Todd	

Members Absent:

Guillermo Rodriguez

Staff Present:

Brenda Mills, Office of Economic Development	Cathy Ball, Public Works
Debbie Ivester, Parks & Recreation Department	Caroline Long, Office of Economic Development

Guests Present:

Kitty Love, Executive Director - Asheville Area Arts Council

Vice Chair Gwynne Rukenbrod called the meeting to order at 4:08pm

1. Additions/Deletions to Agenda

There were no additions to the agenda. Jenn asked if there was an attachment of the Public Art Master Plan from last meeting, and Brenda stated she sent it via e-mail.

2. Vote on Draft Minutes from October Meeting

Robert had a correction change the minutes to state "TDA occupancy tax" rather than "sales tax" to consider a policy to include public art on projects funded.

Jenn made a motion to accept the October minutes as amended, Robert seconded the motion and there were none opposed.

3. Capital Improvement Projects Budget

Cathy met previously with Guillermo to get a feel for opportunities to work together. She said that prior to the increase in sales tax in 2014; there was not a lot of room in the CIP budget for strategic new projects. The City went from a \$5 million CIP to a CIP budget of \$132 million over 5 years. This CIP will include Innovation Districts (River Arts District, South Slope, Downtown & South Charlotte Street), with the goal of improving infrastructure to allow infill development to occur. The City wants to bring the Public Art & Cultural Commission into the proposal-reviewing process to allow for artistic improvements in projects and also to make sure the artist community is informed about the process.

The next project is a greenway to the west of the French Broad River connecting the New Belgium site to Amboy Rd. The process usually involves selecting a landscape architect or engineer to design the greenway, and a subcontractor who will create interpretive art and way finding. The City has suggested having PACC members engage in the proposal renewal process after the designs have been submitted. Cathy asked the Commission to select two individuals to work with the design team on the greenway project; Brenda will link them with Mariate Echeverry.

Gwynne asked if PACC will be involved with the Innovation Districts. Cathy noted that there is no intent to create a standalone organization around the Districts.

4. National Endowment for the Arts: Our Town Grant Proposal

Kitty love explained that the Grant proposal is to fund an assessment of cultural assets in Buncombe County. The Asheville Area Arts Council is applying to NEA for Creative Asset Mapping or a Cultural Asset Inventory. They will be creating data sets that organizations can use for their own growth and development. The study would include creative industry economic impact. The AAAC is seeking \$25,000 from the City with the resolution stating that funding is contingent up on the NEA award. The AAAC is also asking for \$25,000 from Buncombe County, \$25,000 from the community, and the remaining \$75,000 from NEA. The project would begin October 2015. Kitty noted the AAAC have received funding from the City and are looking to get in front of the County Commissioners next month.

Jenn made a motion for the PACC to support the Asheville Area Arts Council moving forward with their NEA Our Town Grant process. Sharon seconded the vote and none were opposed.

5. Staff's Report: 51 Biltmore Daydreamer Project Update

Debbie Ivester updated the Commissioners on the Ian Wilkinson and Alex Irvine "Daydreamer" project at 51 Biltmore (Aloft Hotel). When Staff met with the artists to plan the unveiling, the artists revealed that they had cost overruns of \$5,000 associated with extra structural and engineering work to meet the requirement of securing the mural to the wall. In addition, while going through the final punch list, the artists revealed that they had not lit the work and were not intending to, although it was specified within the contract that the item would be lit.

Gwynne asked if it would be possible to subtract the additional cost of the lighting installation from monies that the City will be paying back to the artist. Debbie stated that Staff is trying to reach a happy medium.

Robert noted that if the artist is removed from the situation, one cannot ignore the cost overruns of the situation. The City would not treat any other contractor any differently, such as a sidewalk contractor who had cost overruns. Robert noted that local artists are not used to contracting with the City, and this does not put the City in a bad light—it is a contract and the contractors did not fulfill their contractual obligations.

Sharon noted that the artists' news interviews made it look as though the City was at fault in the situation.

Jenn noted that Ian stated he was not planning on going back to the City to recoup extra costs and that Alex shared with her that the scaffolding they were quoted was not compliant with City ADA requirements for sidewalks, which caused a cost overrun. Jenn also stated they had put a lot of research

into the lighting element and that Staff should attempt to get that research from the artists. Jenn's biggest concern was that she does not want the artists to spread negativity about the City.

Brenda stated that the Parks Department is working on reimbursement. She believes that the artists need to come to PACC and have the commissioners speak to them about confidentiality and how to address issues. Brenda stated the artists need to come and make a public statement at PACC. Brenda also noted that at her contracting trainings she has been working with artists on communicating with the City with better clarity.

Jay agreed there is no way the artists could have known about the scaffolding costs, but that they should have communicated any issues to the project managers and City staff.

Gwynne asked Debbie what Parks staff needed from the PACC. Debbie stated she wanted to hear general consensus on paying the artists the balance of what is left in their GoFundMe. She stated the City will pay for the lighting element.

Jenn stated the City should pay the artists the amount which would have been the original change order amount, for the scaffolding and substrate. Robert disagreed, and said the scaffolding does not apply, in his opinion.

Constance asked if staff wanted the PACC to make a decision today. Jenn stated that a lot has to be decided before the December PACC meeting.

Debbie stated that the balance on the artists' GoFundMe is about \$3,000. The artists were contracted at and paid \$25,000.

Robert asked if the lighting element was included in the original contract. Debbie said the contract stated lighting would be included. Jenn noted that the artists told her they had researched a lighting element, but with their cost overruns they were unable to fund it.

Gwynne asked the Commissioners to go around the table and state their opinion on the matter.

Brenda said she believes PACC should have the artists sign a document stating that the issue has been resolved, all monies that are due have been paid and they will no longer make public comment on the piece or help them understand that communication going forward should not be the city's willingness to take care of our contractual obligations. Brenda stated this was a learning experience for everyone.

Jaan stated she is self-employed and she has never received all monies from her projects. Artists need to understand this cannot happen again, and it is a learning experience for all parties.

Jay said it's hard for artists to estimate beforehand how many hours of creative work they will put in on a piece, and they could have worked double their estimated hours. The artists did not notify the City about the issues with the wall in time, but the reality of having to pay for that is a very real thing. Jay would like to turn it into a win-win situation and somehow split the cost overruns, whether that means splitting \$5,000 or \$3,000. Jay stated he also likes the idea of the artists coming to speak to the PACC.

Robert stated he is planning to fund the artists on GoFundMe. He agrees with letting the public come in and show their appreciation for the artists and their work. He stated once again that if you take art out of it, and if it were a sidewalk installation that went over budget, nobody would be giving money to fund that. If the artists had brought a change order to the City about the substrate, the issue would have been resolved. He stated the funds need to go through a similar process to change orders; the City needs itemized costs and line items amounts. He stated the \$5,000 balance seems arbitrary and would like documentation.

Gwynne stated she thinks this is an opportunity for the artists to learn a lesson, but she also understands the political side and the city's desire to make it a win-win situation. She is fine with any outcome, but would like to see better and timely communication between artists and city staff so that this does not occur in the public venue.

Sharon agreed, and noted that if you have cost overruns, you do a change order. She stated all business people have to deal with this issue. She stated, yes, these are artists, but they're working in the business world and the quicker they realize that, the less likely they are going to repeat their mistakes. Sharon stated she doesn't have an issue for giving them \$1,000, but she does not think the City should give the artists \$2,500. Sharon stated she thinks they may need to absorb some of the cost in order to better learn a lesson on budgeting for the future.

Victor stated that they are artists, but they are also small business owners and have to follow business rules. He noted that the PACC was talking about CIP funding art, but Asheville cannot have a successful art program of work if artists cannot work in a more professional manner.

Jenn stated she feels as though the artists have already "eaten" their costs and that she is not comfortable with the artists going \$3,000 in debt due to paying for supplies. She suggested the City pays whatever the itemized change order would have been. She stated this would teach everyone for upcoming percent for art projects that this is not how the City functions.

Jenn asked if the Commissioners were interested in having a holiday get-together, and the Commissioners decided that Brenda, Guillo and Gwynne would discuss options.

Gwynne noted she has a meeting in two weeks with Councilman Gordon Smith as chair of the Community and Partnerships Committee to start discussion on a tax on alcohol to fund public art.

6. Old Business

Gwynne stated she combined the strategic plan notes and asked the Commissioners to look at the document in preparation for December's meeting.

Brenda asked if the Commissioners would like to focus on strategic planning during the December meeting.

Jenn moved to adjourn, Jaan seconded the motion and none were opposed. The meeting was adjourned at 5:36pm.